THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.18855 of 1997

Dated: 07.3.2007

Between:

M.Venkata Subbaiah

… Petitioner

AND

A.P.State Cooperative Consumer Federation Ltd.,
Rep by Managing Director, Hyderabad.

And another.

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.18855 of 1997

ORDER:

The petitioner in this writ petition sought for writ of mandamus to declare the proceedings dated 16.6.1997 of respondent No.1 whereby the petitioner's services were discontinued as illegal and he has also sought for a consequential declaration that inaction of the respondents in regularizing the services of the petitioner in the category of clerk as illegal, irregular and unjustified.

The petitioner was engaged as clerk with effect from 1990 at Anantapur branch of first respondent. He claims that he is having the qualification to hold the post of clerk. The petitioner's services were terminated by proceedings dated 16.6.1997. The petitioner filed the present writ petition questioning the said proceeding on the ground that the same does not disclose any reasons or the grounds for the petitioner's termination. According to the petitioner he is eligible for regularization of his services in terms of G.O.Ms.No.212 dated 22.041994.

A reading of the impugned order shows that PIC's of Fedcon passed resolution dated 6.3.1997 in terms of G.O.Ms.No.212 dated 22.04.1994 to terminate the services of contingent employees working i n Fedcon on daily wage basis. Following the same the said proceedings were issued by which the petitioner's services were

terminated.

In the counter affidavit filed by the director of the first respondent it is stated that G.O.Ms.No.212 dated 22.04.1994 stipulate six conditions for regularization of services of daily wage employees and that a list of employees who are entitled for regularization under said G.O., is prepared for regularization in future as and when vacancies arise and that the petitioner who has not fulfilled these conditions prescribed in the said G.O., is not entitled for being regularized. The petitioner has not filed any reply affidavit controverting the allegations contained in the counter affidavit. As the petitioner is seeking regularization in terms of G.O.Ms.No.212, dated 22.04.1994, it is for the petitioner to prima facie show that he satisfies all the conditions stipulated in the said GO. Apart from not satisfying this Court on this count, he has not even filed rejoinder to the counter affidavit in which the categorical submission is made that the petitioner does not satisfy the conditions stipulated in the said GO.

For the aforementioned reasons, the writ petition does not merit consideration and is therefore liable to be dismissed. The writ petition is accordingly dismissed. No order as to costs.

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C.V.NAGARJUNA REDDY,J

Dt:07.3.2007
Mdaa.